A CANDID ENQUIRY

INTO THE

RIGHT OF JURISDICTION

IN THE

CITY OF LONDON

OVER THE

BOROUGH OF SOUTHWARK.

AND OF THE ASSUMED POWER OF THE SURRY MAGISTRATES OVER THAT BOROUGH;

With the Royal Charter at full of Edward VI. by which all the Franchiſes and Property of the Borough of SOUTHWARK are granted and ſold to the City of LONDON.

ADDRESSED TO

THE RIGHT HON. THOMAS SAINSBURY,
LORD MAYOR OF THE CITY OF LONDON.

By an INHABITANT of the BOROUGH of SOUTHWARK.

LONDON.

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MVSEVM
BRITAN
NICVM

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REMARK.

IT is mentioned in the 4th page of the enſuing ENQUIRY, that the Juſtices for SURREY had reſolved to call a Committee on the 31ſt of October laſt, to take proper ſteps for bringing the City claim to a deciſion:—Accordingly they met on the day appointed,—but, after ſome deſultory converſation, departed without coming to any reſolution whatever.

LONDON,
November 3, 1787.

In the Addreſs to the following Pamphlet, the title of SIR, has been improperly prefixed to the name of the Lord Mayor.—The Reader's candor will correct, as well this, as any literal errors which he may diſcover.

A

CANDID ENQUIRY.

ADDRESSED TO

THE RIGHT HONORABLE

SIR THOMAS SAINSBURY,

LORD MAYOR OF THE CITY OF LONDON.

MY LORD,

THE experience which the Citizens of LONDON have had of your Lordſhip's zeal for the promotion of their intereſt, and the protection of all their rights and privileges during the time you have filled the higheſt official capacity in this metropolis, has given inexpreſſible ſatisfaction to every well-wiſher to its dignity and proſperity:—and your fellow-citizens flatter themſelves that your adherence to its conſtitution and laws, and your paternal exertions for its true welfare, will not ceaſe with the termination of your temporary dignity.

IT is certainly the duty of the guardians of every community, to anticipate, in the earlieſt inſtances, even the moſt trifling invaſion of their privileges:—Uſurpation gains ſtrength and confidence by neglect;—and what might have been granted as a favor, or connived at by indolence, will afterwards be poſitively claimed as a right.—Your Lordſhip muſt not therefore be diſpleaſed at my calling to your remembrance, that there are ſeveral privileges peculiar to the commonalty of the City of LONDON, which have been notoriouſly invaded;—and that the government of certain *franchiſes*, indiſputably under the juriſdiction of your Lordſhip, the Aldermen, and *Common Council*, have been uſurped, and even that uſurpation attempted to be defended by a ſet of perſons who can THERE, at leaſt, have no legal claim to power, while royal charters, patents, or acts of the Legiſlature remain of any force.

THE circumſtance which more immediately gives riſe to this Addreſs, is the conduct of the Juſtices of Peace for the County of SURRY, who have for years paſt been invading your *franchiſes* in Borough of SOUTHWARK; and unleſs a very timely and ſpirited oppoſition be formed againſt thoſe encroachments, be aſſured, my Lord, the next attack will be on your *property*:—the ſame charter which granted the one, beſtowed alſo the other.

"ON Wedneſday, the 26th of October, at KINGSTON, after ſome reſolutions had been paſſed on the conduct of Mr. WATERHOUSE,—Mr. RICHARD CARPENTER SMITH roſe to complain, that the endeavors of the Magiſtrates of the Borough of SOUTHWARK, to carry into effect the King's Proclamation for ſuppreſſing vice and immorality, had been counteracted by the Lord Mayor of London, who had come to St. MARGARET'S HILL, and had licenſed ſeveral victuallers, who had been refuſed licenſes by the Magiſtrates of the county: That on former occaſions the City Magiſtrates had licenſed about thirty victuallers; but this year, not only thoſe who had been refuſed by the County Magiſtrates had licences granted them, but many others, who found out that

they

they would be objected to, made no application at all to the latter, but applied, and were licenſed by the Lord Mayor; which ſwelled the liſt of licences granted by him to about eighty.

" He concluded, by ſtating how neceſſary it was that the Committee appointed by the Court of Quarter Seſſions in January laſt, for defending the *rights of the county*, ſhould take the buſineſs up.

" Sir Joseph Mawbey then roſe, and ſtated, that he *believed* the claim of the City of London to licenſe in Southwark, was not exerciſed till within the laſt thirty years;—when he firſt was a candidate to repreſent the Borough of Southwark, near thirty years ago, he was applied to by ſix or ſeven perſons in it, all his friends, to ſupport them in their attempt to ſhake off the County juriſdiction, and to get rid of a County rate: he examined into their pretenſions, and he found that Southwark had always been amenable to County juriſdiction, and that the Crown by charter had only enabled the Lord Mayor, and ſuch of the Aldermen as had paſſed the Chair, to act as Magiſtrates, like any other Juſtices of the County, in that part of the County of Surry in which their Manor is ſituated. This never gave them a power to hold a Court of Quarter Seſſions, ſeparate and diſtinct from that of the County at large; and at that time the County took opinions of ſeveral gentlemen of the long robe, which were, that the City had no ſuch right; that, during the whole courſe of his life, it had been his wiſh to reſtrain the very great number of public-houſes in the Borough; but he never could accompliſh it, becauſe the City conſtantly licenſed thoſe whom the Magiſtrates on the ſpot, who had local knowledge, objected to;—that he had not attended for ſome years, the licenſing in Southwark, being uſually engaged in a different part of the County;—that the Borough of Southwark, and the neighbouring pariſhes in Surry, formed at this time a very conſiderable part of the Metropolis, and the lives and property of the public at large would be extremely expoſed, if ſuch parts were ill governed, and a controuling power not placed ſome-

where. He therefore was decidedly of opinion, that the County ſhould take up the buſineſs, and that the Committee ſhould meet, and direct proper meaſures to be taken againſt the uſurpation of the City Magiſtrates.

"The Rev. Mr. MADAN, afterwards aſſerted, in a ſpeech of conſiderable length, both as a Magiſtrate and a profeſſional man, (being bred to the Bar) the rights of the County; as did Mr. GODSCHALL: and the Court afterwards unanimouſly reſolved to call the Committee together on the 31ſt of OCTOBER inſtant, and empower them, who conſiſt of Lord ONSLOW, Lord GRANTLEY, Lord KING, and all the principal Gentlemen of the County, to take ſuch ſteps as they ſhould think neceſſary to bring the queſtion reſpecting the City Claim to deciſion."

That the Magiſtracy of the City of LONDON hath *an indiſputable juriſdiction* over the Borough of SOUTHWARK,—is apprehended to be evident from the Great Charter of Confirmation granted in the 15th CHAR. II.—Yet as I wiſh the public in general, more eſpecially the Citizens of LONDON, to have a clear conception of the grounds whence their claims to juriſdiction ariſe,—your Lordſhip will permit me to take a retroſpective, but rapid view of the connections between LONDON and SOUTHWARK, from the earlieſt period of Britiſh Hiſtory.

AND in fact SOUTHWARK appears to have been originally a village connected with, and dependent on, the City of LONDON; and merely conſidered as one of its appendages:—Not only the City of LONDON, but the kingdom in general had been ſo much agitated by internal commotion, previous to the reign of EDWARD III. that little attention could be paid to the civil policy of the Metropolis; and at the acceſſion of that Prince, (to whoſe advancement to the Throne the Citizens of LONDON had greatly contributed) the Village of SOUTHWARK had become a refuge for thieves and other diſturbers of the peace, when EDWARD, to remove

move theſe peſts of ſociety, granted the government of it to the Citizens by Royal Charter, " and to them and their heirs for ever;" 1. EDW. III.

EDWARD IV. who granted the citizens a confirmation of all their charters, with the addition of many valuable privileges, likewiſe confirmed the grant of the Borough of SOUTHWARK, and and the citizens were entitled to the goods and chattles of traitors and felons, &c. with the privilege of holding a *fair annually* in the ſaid Borough, at the fee-farm rent of 10l.

BUT without entering into a detail of the ſeveral charters, all granted with additional powers, which inveſted the Magiſtracy of the City with the government of the Borough, let it ſuffice to ſpecify, that of EDWARD VI. which confirms the old, and annexes many new privileges.

CHARTER,

ROYAL CHARTER

LONDON, A. D. 1551.

K. Ed. VI's Charter, granting certain parcels of land, &c. in Southwark and Surrey.

"EDWARD the Sixth, by the Grace of GOD, King of ENGLAND, FRANCE, and IRELAND, Defender of the Faith, and on earth the Supreme Head of the Church of ENGLAND and IRELAND, to all to whom theſe preſent Letters ſhall come, greeting.

"KNOW ye, that for the ſum of ſix hundred and forty-ſeven pounds two ſhillings and a penny, of lawful money of ENGLAND, paid to the hands of the treaſurer of our court of augmentation and revenues of our crown, to our uſe, by our well-beloved the Mayor and Commonalty and Citizens of the city of LONDON, whereof we acknowledge us to be fully ſatisfied and paid, and the Mayor and Commonalty and Citizens and their ſucceſſors to be thereof acquitted and diſcharged by theſe preſents; and for other cauſes and conſiderations, us thereunto eſpecially moving, have of our ſpecial grace, and from our certain knowledge and mere motion, and alſo with the advice of our council, given and granted, and by theſe preſents do give and grant, to the ſaid Mayor and Commonalty and Citizens of the city of LONDON, all that our meſſuage or tenement, with the appurtenances, now or late in the tenure of SIMON SEBATSON, ſituate and being next our manſion, late CHARLES, late Duke of SUFFOLK, in SOUTHWARK, in the county of SURREY; and all that our meſſuage or tenement, with the appurtenances, next the broad gate of the ſame our manſion in SOUTHWARK aforeſaid; and all that our cloſe of ground called

called MOULTER'S CLOSE, containing by eſtimation fifteen acres, lying in NEWINGTON, in our ſaid county of SURREY; and all that our cloſe of ground, containing by eſtimation two acres, now or late in the tenure of JOHN PARROW, lying and being in St. GEORGE'S dunghill, in the pariſh of St. GEORGE, in SOUTHWARK aforeſaid; and alſo all that one cloſe of ground, late in the tenure of JOHN BILLINGTON, lying in LAMBETH Marſh, in the pariſh of LAMBETH, in the ſaid county of SURREY; and alſo all thoſe our thirty-nine acres and three rods of meadow, with the appurtenances, now or late in the tenure of WILLIAM BASELY, lying and being in divers parcels in the field called St. GEORGE'S Field, in the pariſh of St. GEORGE in SOUTHWARK, in our ſaid county of SURREY; and one meſſuage or tenement of ours, ſituate near Broad Gates, in SOUTHWARK aforeſaid; and all thoſe our two meſſuages or tenements, and one chamber, and three ſtables, and one garden of ours, with all their appurtenances, ſituate and being in SOUTHWARK aforeſaid; all and ſingular which premiſes were ſome time parcel of the poſſeſſions and hereditaments of CHARLES Duke of SUFFOLK; and all other the meſſuages, lands, tenements, rents, reverſions, and hereditaments whatſoever, with their appurtenances, in SOUTHWARK, in the ſaid county of SURREY, which were the aforeſaid CHARLES Duke of SUFFOLK'S, and which were late purchaſed by our dear father HENRY the Eighth, late King of ENGLAND, of the ſame CHARLES Duke of SUFFOLK; excepting nevertheleſs always to us and our heirs and ſucceſſors, all that our capital meſſuage and manſion-houſe called SOUTHWARK PLACE, in SOUTHWARK aforeſaid, late the ſaid Duke of SUFFOLK'S, and all gardens and grounds to the ſame adjoining or appertaining; and all our park in SOUTHWARK aforeſaid, and all the meſſuages, and all the buildings and grounds called ANTELOPE there.

"FURTHERMORE, we give, and for the conſideration aforeſaid, with the advice aforeſaid, do by theſe preſents grant to the aforeſaid Mayor and Commonalty, and Citizens

And the Lordſhip and Manor of Southwark.

Citizens of the ſaid City of LONDON, all that our Lordſhip and and Manor of SOUTHWARK, with their rights, members and appurtenances in the ſaid County of SURREY, late pertaining to the late Monaſtery of BERMONDSEY in the ſaid County; and all meſſuages, houſes, buildings, barns, ſtables, dove-houſes, ponds, pools, ſprings, orchards, gardens, lands, tenements, meadows, feedings, paſtures, commons, waſte-ſtreet, void ground-rent, reverſions, ſervices, court-leet, view of frankpledge, chattels, waifs, ſtrays, free warren, and all other rights, profits, commodities, emoluments, and hereditaments whatſoever in SOUTHWARK aforeſaid, to the ſaid Lordſhip and Manor of SOUTHWARK by any means belonging, or being before this time accounted, known, or taken as member or parcel of the ſaid lordſhip and manor, except before excepted.

And certain yearly Rents, Services, &c.

"FURTHERMORE, we give, and for the conſideration aforeſaid, and with the aſſent aforeſaid, by theſe preſents do grant unto the ſaid Mayor and Commonalty and Citizens, all our Manor and Borough of SOUTHWARK, with all their rights, members, and appurtenances, in the ſaid County of SURREY, late parcel of the poſſeſſions of the Archbiſhop and Archbiſhoprick of CANTERBURY, and all our annual rent of three ſhillings and two pence halfpenny, and the ſervices going out of the lands and tenements ſome time of JOHN BURCETOR, Knight, and now or late in the tenure of WILLIAM GLASSCOCK, Eſq. in SOUTHWARK aforeſaid; and all that our yearly rent of three ſhillings, and ſervice going out of the houſe or tenement called the SWAN, in SOUTHWARK aforeſaid; and all that our yearly rent of four ſhillings and ten pence, and the ſervice going out of the meſſuage or tenement called the MERMAID, in SOUTHWARK aforeſaid; and all that the yearly rent of twenty pence a quarter, and the ſervice going out of the meſſuage or tenement called the HELMET, in the Borough of SOUTHWARK aforeſaid; and all that our annual rent of ſixteen ſhillings, and the ſervices going

going out of the meſſuage or tenement called the HORSE-HEAD, in the Borough of SOUTHWARK aforeſaid; and alſo all that our annual rent of ſix ſhillings and four pence, and the ſervices going out of the meſſuage or tenement called the GLEYNE, in SOUTHWARK aforeſaid; and all that our annual rent of two ſhillings a quarter, and the ſervices going out of the meſſuage or tenement called the ROSE; and one acre of ground lying in the LOCK in SOUTHWARK; and all that our annual rent of twenty pence a quarter, and the ſervice going out of one meſſuage or tenement called the LAMB, in SOUTHWARK aforeſaid, pertaining to the Company of FISHMONGERS of LONDON; and alſo that our annual rent of twenty pence a quarter, and the ſervice going out of one meſſuage or tenement pertaining to the ſaid ſociety of Fiſhmongers in LONDON, called the BALE in SOUTHWARK aforeſaid; and all that annual rent of twenty pence a quarter, going out of one meſſuage or tenement pertaining to the ſaid ſociety of Fiſhmongers, commonly called the FLOWER DE LUCE in SOUTHWARK aforeſaid; and alſo that our annual rent of four ſhillings, and the ſervice going out of the twelve acres of land lying at the LOCK in SOUTHWARK aforeſaid, ſome time the Lord WILFORD's, and now or late pertaining to the ſaid ſociety of Fiſhmongers; and all that our annual rent of eight pence, and the ſervice going out of two acres of land of GILES ATHORN, called TIPPING IN THE HOLE, in SOUTHWARK aforeſaid; and alſo that our annual rent of three ſhillings, and the ſervice going out of one meſſuage or tenement, late THOMAS Lord POYNING's, in SOUTHWARK aforeſaid; and all that our annual rent of twelve pence halfpenny, and the ſervice going out of the meſſuage or tenement now or late of WILLIAM MALTON, in SOUTHWARK aforeſaid; and all that our annual rent of twenty pence halfpenny, and the ſervice going out of the meſſuage or tenement called the White Hart, in SOUTHWARK aforeſaid; and alſo all that our annual rent of ſeven ſhillings and four pence, and the ſervice going out of a meſſuage or tenement called the Crown, in SOUTHWARK aforeſaid, now or late of the Maſters of the Bridge-houſe, LONDON; and

alſo all that our annual rent of two ſhillings, and the ſervice going out of the meſſuage or tenement of the ſame Maſters of the Bridge-houſe, called the CHRISTOPHER, in SOUTHWARK aforeſaid; and all that our annual rent of twelve pence, and the ſervice going out of the lands and meadows of the Maſters of the Bridge-houſe of LONDON, lying and being at the LOCK, called CARPENTERS-HALL, in SOUTHWARK aforeſaid; and all that our annual rent of ten-pence halfpenny, and the ſervice going out of the meſſuage or tenement called the Blue Mead, in SOUTHWARK aforeſaid; and all that our annual rent of two ſhillings, and the ſervice going out of one meſſuage or tenement now or late of WILLIAM SALISBURY, in SOUTHWARK aforeſaid; and alſo all that our annual rent of ſixteen-pence, and the ſervice going out of a certain field of ground of four acres of land, now or late the heirs of ROBERT LINLED, lying and being in the LOCK, and abutting upon the lands of the late Duke of SUFFOLK, in SOUTHWARK aforeſaid, and in NEWINGTON, or in either of them, in the ſaid county of SURREY; and all our annual rent of two ſhillings, and and the ſervice going out of a certain field of ground, ſome time JOHN SOLAS's field, and now or late the heirs of ROBERT LINLED, in SOUTHWARK and NEWINGTON aforeſaid, or either of them; and all our annual rent of twenty pence, and the ſervices going out of five acres of ground, now or late STEPHEN MIDDLETON's, lying and being at the LOCK of SOUTHWARK and NEWINGTON aforeſaid, or in either of them; and all that our annual rent of four pence, and the ſervice going out of four acres of land, now or late WILLIAM CHAMPION's, lying and being in SOUTHMEAD in WALWORTH's Fields, in the pariſh of NEWINGTON, in our ſaid county of SURREY; and all that our annual rent of twenty pence farthing, and the ſervice going out of the meſſuage or tenement called CIRCOT, in SOUTHWARK and NEWINGTON aforeſaid, and either of them; and all other our meſſuages, lands, tenements, rents, reverſions, ſervices, and hereditaments whatſoever, which were parcel of the poſſeſſions, rents, and revenues of

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the Archbiſhoprick and Biſhopr'ck of CANTERBURY in SOUTHWARK in the ſaid county of SURREY.

" WE furthermore give, and for the conſiderations aforeſaid, and with the advice aforeſaid, do grant by theſe preſents, to the ſaid Mayor and Commonalty, and Citizens of the City of LONDON, all and all manner of woods, underwoods, and trees whatſoever, growing and being of, in, and upon all and ſingular the premiſes, and the ſoil and ground of the ſame; and alſo, whatſoever reverſions of all and ſingular the premiſes, and every part thereof, and all the rents and yearly profits whatſoever, reſerved upon whatſoever demiſes and grants made of the premiſes, or any part thereof, by any means. And all woods, underwoods, &c.

" WE alſo give, and by theſe preſents grant to the ſaid Mayor and Commonalty, and Citizens of the City of LONDON, all and ſingular the premiſes, with the appurtenances, as fully, and in as ample manner and form, as the ſaid CHARLES late Duke of SUFFOLK, or any other Abbot of the late Monaſtery of BERMONDSEY, or any Archbiſhop of CANTERBURY, or any of them, or others before this time, having or poſſeſſing the ſaid manors and other premiſes, or any parcel thereof, or being thereof ſeized, ever had held, or enjoyed, or ought to have or enjoy the ſame, or any parcel thereof, and as fully, freely, and wholly, and in as large manner and form, as all and ſingular the ſame, came or ought to have come to our hands, or to the hands of our moſt dear father HENRY the Eighth, late King of ENGLAND, by reaſon or pretence of any charter, gift, grant, or confirmation, or by reaſon or pretence of the diſſolution of the ſaid late Monaſtery, or by any other means or right they come, or ought to have come, or as the ſame now be, or ought to be in our hands.

" KNOW ye moreover, that we, as well of our grace, knowledge, and motion aforeſaid, and with the advice aforeſaid, as

for the ſum of five hundred marks of lawful money of ENGLAND, paid into the hands of our treaſurer of our court aforeſaid, to our uſe, by the ſaid Mayor and Commonalty, and Citizens of the ſaid City of LONDON, whereof we confeſs us to be fully ſatisfied, and the ſaid Mayor and commonalty and Citizens, and their ſucceſſors thereof, to be acquitted and diſcharged by theſe preſents; have given and granted, and by theſe preſents do give and grant, for us and our heirs, to the ſaid Mayor and Commonalty, and Citizens of the City aforeſaid, and to their ſucceſſors, in and through all the Borough and Town of SOUTHWARK aforeſaid, and in and through all the Pariſhes of ST. SAVIOUR'S, ST. OLAVE'S, and ST. GEORGE'S in SOUTHWARK, and in the pariſh, and through all the pariſhes late called ST. THOMAS'S HOSPITAL, and now called the KING'S HOSPITAL, in SOUTHWARK aforeſaid, and elſewhere ſoever in the ſaid Town and Borough of SOUTHWARK aforeſaid, and in KENTISH-STREET, and in BLACKMAN-STREET, aforeſaid, and in the Pariſh of NEWINGTON, and elſewhere in the ſaid Town and Borough of SOUTHWARK, all goods and chattles waifed, eſtrays, and all treaſures found in the Town and Precinct aforeſaid, and all manner of handywork, goods and chattels, of all manner of traitors, felons, fugitives, out-lawed, condemned, convicted, and of felons defamed and put in exigent, felons of themſelves, and deodands, and denying the law of our land, whereſoever, or before whomſoever Juſtice ought to be done of them, and all goods diſclaimed, found and being within the Borough, Town, Pariſhes and Precincts aforeſaid; and alſo, all manner of eſcheats and forfeitures to us and our heirs may there pertain, as fully and wholly as we ſhould have them, if the ſaid Town and Borough were in the hands of us, or of our heirs; and that it ſhall be lawful to the ſame Mayor and Commonalty and Citizens, and their ſucceſſors, by their deputy or miniſters of the ſame Town and Borough, to put themſelves in ſeizin of, and in all the handywork and chattels of all manner of traitors, felons, fugitives, out-lawed, condemned,

And all the waifs and eſtrays, treaſure found, deodands, &c. in the Borough of Southwark, pariſhes of St. Saviour, St. Olave, St. George, St. Thomas's Hoſpital, &c. &c. in Kent-ſtreet, Blackman-ſtreet, and Newington.

condemned, convicted, and of felons defamed, and denying the law of our land, and of other premiſes; and alſo, of and in all goods diſclaimed, found or being within the ſame Borough, Town, Pariſhes, or Precincts aforeſaid; and alſo, of and in all eſcheats and forfeitures to us and our heirs there pertaining.

"And that the ſame Mayor and Commonalty and Citizens, and their ſucceſſors, by themſelves, or their deputy, or miniſter or miniſters, ſhall have in the Borough, Town, Pariſhes and Precincts aforeſaid, the aſſize and eſſay of bread, wine, beer, and ale, and of all other victuals and things whatſoever ſet to ſale in the Town aforeſaid; and alſo, all and whatſoever doth or may pertain to the clerk of the market of our houſe, or of the houſe of our heirs, together with the correction and puniſhment of all perſons ſelling wine, bread, beer, alſe, and other victuals there to be ſold, and of others there dwelling, or exerciſing arts howſoever, and with all manner of forfeitures, fines and amerciaments to be forfeited, with all other things which therefore do or may there pertain to us, or our heirs or ſucceſſors in time to come; and that they ſhall have there the execution of all manner of writs of ours, or of our heirs and ſucceſſors, and of all other writs, commands, extracts, and warrants, with the returns of the ſame, by ſuch their miniſter and deputies, whom they ſhall thereunto chooſe; and that the ſame Mayor and Commonalty and Citizens, and their ſucceſſors, ſhall every year have there, and through all the Town, Borough, Pariſhes and Precincts aforeſaid, one fair or mart, to endure three days; that is to ſay, the ſeventh, eighth, and ninth days of the month of SEPTEMBER, to be holden together with a court of pye-powder, and with all liberties and free cuſtoms to ſuch fair pertaining: and that they may have and hold therein, and at the ſaid court, before their miniſter or deputy, through the ſaid three days, from day to day, and hour to hour, and from time to time, all the actions, plaints and pleas of the ſaid court of Pye-powder, together with all ſummons, attachments, arreſts, iſſues, fines, redemptions

The aſſize of bread, wine, &c. in the ſaid places.

Execution of writs.

A fair and pye-powder in September.

tions and commodities, and other rights whatſoever to the ſame court of Pye-powder by any means belonging, without any impediment, let or diſturbances of us, our heirs or ſucceſſors, or of other our officers or miniſters whatſoever; and alſo, that they may have in and through all the precinct aforeſaid, view of frankpledge, together with all ſummons, attachments, arreſts, iſſues and amerciaments, fines, redemptions, profits, commodities, and other things whatſoever, which therefore may or ought there to pertain to us, our heirs and ſucceſſors, by any means.

"And further, that the ſaid Mayor and Commonalty and Citizens, and their ſucceſſors, may, by themſelves, or by their miniſters or deputy, in the Borough, Town, Pariſhes or Precincts aforeſaid, conſtitute and to be conſtituted, take and arreſt all manner of felons, thieves, and other malefactors, found within the Borough, Town, Pariſhes and Precincts aforeſaid, and may bring them to our gaol of NEWGATE, there to be ſafely kept, until by due proceſs of law they may be delivered.

The arreſt of felons, &c. to be brought to Newgate.

"And furthermore, that the ſaid Mayor and Commonalty and Citizens, and their ſucceſſors, may have in the Borough, Town, Pariſhes and Precincts aforeſaid for ever, all and all manner of liberties, privileges, franchiſes, acquittals, cuſtoms and rights, which we or our heirs ſhould or might there have, if the Borough or Town were or remained in the hands of us or our heirs.

All and all manner of Royal Liberties, &c.

"And further, we have, of our grace, knowledge and motion aforeſaid, and by the advice aforeſaid, granted, and by theſe preſents do grant, for us, our heirs and ſucceſſors, to the ſaid Mayor and Commonalty and Citizens, and their ſucceſſors, that the ſaid Mayor and Commonalty and Citizens, from henceforth for ever, ſhall and may hold all and all manner of contracts and demands whatſoever, within the Borough, Town, Pariſhes, and Precincts aforeſaid,

aforeſaid, chancing, happening and growing, before the Mayor and Aldermen, and Sheriffs of the ſaid City, and the Sheriffs of the ſaid City for the time being, or any of them, in the GUILDHALL and huſtings of the ſaid City, or any of them, to be holden by like actions, bills, plaints, proceſs, judgments, executions, and other things whatſoever, and at the ſame days and times, and in ſuch like manner and form, as ſuch happening in the ſaid City have, time out of mind, been taken, held, levied, proſecuted and executed in the court before the Mayor and Alderman, and Sheriffs of the ſaid City, or in any of them.

Trials at Guildhall for debt.

"AND, that the ſerjeants at mace of the City of LONDON, for the time being, which have uſed to execute and ſerve any proceſs, or any other things in the ſaid City, may hereafter make, do and execute any manner of proceſs, and do whatſoever things in the ſaid Borough, Town, Pariſhes and Precincts, concerning all and ſingular things ariſing and happening about ſuch pleas and executions of the ſame, within the Precincts aforeſaid, as by all the time aforeſaid it hath been uſed in the ſaid City of LONDON.

Serjeants at mace to ſerve proceſſes.

"AND that the inhabitants of the town and boroughs, pariſhes and precincts aforeſaid, as concerning the cauſes and matters there ariſing, may be impleaded and plead in the ſaid city in form aforeſaid, and in the courts aforeſaid. And, if the men impannelled and ſummoned in juries for trials of ſuch iſſues, have not appeared before the ſaid Mayor, Aldermen, and Sheriffs in the ſaid courts of the ſaid city, that then ſuch men impannelled and ſummoned as aforeſaid, making default, ſhall be amerced by the ſaid Mayor or Sheriffs, and ſhall forfeit ſuch iſſues upon them returned and to be returned, after the ſame, or in like manner and form, as the men impannelled and ſummoned in the ſaid city for the like iſſues in the courts of the ſaid city to be tried, have before this time forfeited, and have accuſtomed to forfeit; and alſo that ſuch amerciaments and

In all pleas to obſerve the city forms.

To fine defaulters on juries.

and iſſues forfeited ſhould be levied by the miniſters of the ſaid city, to the uſe of the Mayor and Commonalty and Citizens, and their ſucceſſors, for ever.

"And alſo, that the ſame Mayor and Commonalty and Citizens, and their ſucceſſors, ſhall and may, from henceforth, ever have cognizance of all manner of pleas, actions, plaints and ſuits perſonal, happening or growing out of any courts of ours, or of our heirs, before us or our heirs, or before any of the juſtices, for or concerning any thing, cauſe or matter within the town, borough, pariſhes and precincts aforeſaid, before the Mayor, Aldermen and Sheriffs, or any of them, in the ſaid courts of the ſaid city, or any of them; and that the iſſues happening upon the ſaid pleas and ſuits ſhall be tried in the ſame courts, before the Mayor and Aldermen and Sheriffs, or any of them, by the men of the ſame borough or town, in ſuch ſort as iſſues in the ſame city are tried; and that the ſaid Mayor and Commonalty and Citizens, and their ſucceſſors, may for ever chuſe, according to the form of law, and may conſtitute every year, or as often as, and in what times ſoever ſhall ſeem to them expedient, two coroners in the borough or town aforeſaid; and that the ſaid coroners, or either of them, being elected and conſtituted, may and ſhall have full power and authority to do and execute in the ſaid borough, town, pariſhes and precincts aforeſaid, all and ſingular things, which to the office of coroner in any county of our realm of England do, or ought to pertain to be done and executed; and that none other coroners of us, our heirs or ſucceſſors, ſhall enter into any thing, which to the office of ſuch coroner pertaineth to be done within the ſaid borough, pariſhes or precincts, neither ſhall at all intermeddle about any thing belonging to the office of coroner, happening within the borough, town, pariſhes and precincts aboveſaid; and that the Mayor of the ſaid city for the time being ſhall be our Eſcheator, and Eſcheators of our heirs, in the borough, pariſhes and precincts aforeſaid; and that he ſhall have full power and

To chuſe two coroners.

Their power.

Lord Mayor to be Eſcheator.

and authority to make his precept and commandment to the Sheriff of the county of SURREY for the time being, and do, execute and finish there all and singular things which appertain to the office of Escheator in any county of our realm; and that none other Escheator of ours, or of our heirs, shall enter there into any thing, which to the office of Escheator appertaineth to be done, neither shall at all intermeddle with any thing to the office of Escheator there belonging.

His power in this office.

"And that the Mayor of the said City for the time being shall be Clerk of the market, and of the market of our heirs, within the borough, town, parishes, and precincts aforesaid, and shall do and execute therein all such things which to the Clerk of the market appertain; and that the Clerk of the market of our house, or of the house of our heirs, or any other Clerk of the market, intermeddle not there.

And Clerk of the Markets.

"And that the said Mayor and Commonalty and Citizens, and their successors, shall and may, from henceforth for ever, have, hold, enjoy and use, as well within the said manor, as in the town, borough, parishes and precincts aforesaid, as well all and singular liberties and franchises aforesaid, as tolls, stallages, pickages, and other our jurisdiction, liberties, franchises and privileges whatsoever, which any Archbishop of CANTERBURY, and which the said CHARLES late Duke of SUFFOLK, or any master, brethren or sisters of the late hospital of St. THOMAS in SOUTHWARK aforesaid, or any Abbot of the said late monastery of St. SAVIOUR's, St. BERMONDSEY next SOUTHWARK aforesaid, in the county aforesaid, or any prior and convent of the late priory of St. MARY OVERY in the said county of SURREY, or any of them, ever had, held or enjoyed in the said manors, lands, tenements, and other the premises or places aforesaid, or any of them, or which we have, hold or enjoy by any ways or means whatsoever, as fully, freely, and in as ample manner, as we, or our most dear father HENRY

To have tolls, stallage, &c.

the Eighth, late King of ENGLAND, had, held and enjoyed, or ought to have, hold and enjoy the ſame; and that none of our Sheriffs, or any other officer or miniſter of ours, or of our heirs or ſucceſſors, ſhall any way intermeddle in the town, borough-town, pariſhes and precincts aforeſaid, or in any of them, contrary to this our grant.

"And we, with the advice aforeſaid, do further, by theſe preſents, grant to the ſaid Mayor, Commonalty, and Citizens of the ſaid City of LONDON, and to their ſucceſſors, That all and ſingular perſons, from time to time inhabiting or reſident within the town, borough, pariſhes and places aforeſaid, ſhall from henceforth be in the order, government and correction of the Mayor and officers of the city of LONDON, and their deputies, for the time being, as the citizens and inhabitants of the ſaid city of LONDON be and ought to be, by virtue of the Charter before this time by any means made, granted and confirmed by any of our progenitors to the ſaid Mayor and Commonalty, and Citizens of the ſaid city, and their ſucceſſors, ſhall and may, from henceforth, have, hold, and enjoy ſo many, ſo great, the ſame, ſuch and the like rights, juriſdictions, liberties, franchiſes and privileges whatſoever, in the towns, pariſhes and places aforeſaid, and in every parcel thereof, as fully, freely and wholly, as the ſaid Mayor and Commonalty and Citizens of the ſaid city enjoy and uſe, or may have, enjoy and uſe in the ſaid city, by virtue of any of the charters and grants made, granted and confirmed by any of our progenitors Kings of ENGLAND, to any Mayor, Commonalty and Citizens of the ſaid city.

That the inhabitants of the town, borough, pariſhes, &c. aforeſaid, ſhall be ſubject to the city laws.

City Juſtices to act in the places aforeſaid.

"And that the Mayor of the ſame city for the time being, and the Recorder thereof for the time being, after the ſaid Aldermen have exerciſed and borne the charge of Mayor of the ſaid city, ſhall be Juſtices of our Peace, and of our heirs, in the town, borough, pariſhes and limits aforeſaid, ſo long

long as the ſame Aldermen ſhall be and remain Aldermen of the ſaid city; and every of them ſhall there do and execute all and ſingular things, which other Juſtices of our Peace and our heirs may do and execute, within the ſaid county of SURREY, according to the laws and ſtatutes of our realm of ENGLAND.

" And that the ſaid Mayor and Commonalty and Citizens, and their ſucceſſors, ſhall have, on every week, on Monday, Wedneſday, Friday and Saturday, within the borough and town aforeſaid, one market or markets to be there holden, and all things which to a market do appertain, or may appertain for ever; except always, and reſerved to us, our heirs and ſucceſſors, out of theſe our Letters Patents, all and all manner of rights, juriſdictions, liberties and franchiſes whatſoever, within the walk, circuit and precinct over the capital meſſuage, gardens, and parts in SOUTHWARK aforeſaid, and in all gardens, curtilages and lands, to the ſame manſion, gardens and parts appertaining; and except and always reſerved the houſe, meſſuage or lodging there, called the KING'S BENCH, and the garden or gardens to the ſame pertaining, with the appurtenances, ſo long as it ſhall be uſed for a priſon for the impriſoned, as it now is; and except the meſſuage and lodging there, called the MARSHALSEA, and the gardens to the ſame belonging, with the appurtenances, ſo long as it ſhall be uſed for a priſon, as now it is.

A market on Monday, Wedneſday, Friday, and Saturday.

What parts are excepted.

" PROVIDED alſo, that theſe our Letters Patents, nor any thing therein contained, ſhall extend to the prejudice of the officers of the Great Maſters, Steward, and Marſhal of our houſe, or of the houſe of our heirs and ſucceſſors, to be exerciſed within the town, borough, pariſhes and limits aforeſaid, be within the Verge; nor of JOHN GATE, Knight, one of the gentlemen of our Privy Chamber, of or for lands, tenements, offices, franchiſes, or liberties, by us or our father to the ſaid John Gate granted during his life; which manors,

Proviſo for the Lord Marſhall.

And Sir John Gate.

lands, tenements, rents, privileges, and all other the premiſes, are now extended to the yearly value of thirty-five pounds fourteen ſhillings and four-pence, to have, hold and enjoy the ſaid manors, meſſuages, lands, tenements, meadows, feedings, paſtures, commons, woods, underwoods, rents, ſervices, reverſions, court-leets, views of frank-pledge, chattels waiſed, ſtrays, free-warrens, and all and ſingular the ſaid premiſes, with the appurtenances (except as before excepted,) to the ſaid Mayor and Commonalty, and Citizens of the ſaid city of London, and to their ſucceſſors, for ever, to be holden of us, and our heirs and ſucceſſors, as of our manor of EAST GREENWICH in our county of KENT, by fealty only, in fee ſoccage, and not in chief, for all ſervices and demands whatſoever.

"We give alſo, and, for the conſideration aforeſaid, do, by theſe preſents, grant to the ſaid Mayor and Commonalty, and Citizens of the ſaid City of LONDON, all the iſſues, rents, revenues and profits of the ſaid manor, meſſuages, lands, tenements, and all other the premiſes, with their appurtenances, coming and growing from the Feaſt of ST. MICHAEL the Archangel laſt paſt hitherto, to have the ſame to the ſaid Mayor and Commonalty and Citizens, of our gift, without account, or any other thing to us, our heirs or ſucceſſors, by any means, therefore to be given, paid or made.

"And furthermore of our ample grace, we will, and for us, our heirs, and ſucceſſors, do, by theſe preſents, grant to the ſaid Moyor, and Commonalty and Citizens, and their ſucceſſors, that we, our heirs and ſucceſſors, will yearly, for ever, diſcharge, acquit and ſave harmleſs, as well the ſaid Mayor and Commonalty and Citizens, and their ſucceſſors, as the ſaid manors, meſſuages, lands, tenements, and all other the premiſes, with their appurtenances, and every part thereof, againſt us, our heirs and ſucceſſors, and againſt whatſoever perſons, concerning all and all manner of corodies, rents, fees, annuities, ſums of money and charges whatſoever, by any

Citizens ſaved harmleſs in the Premiſes.

any means, going out, or to be paid out of the premiſes, or to be charged thereupon, ſaving the ſervices above by theſe preſents reſerved, and the demiſes and grants by any means made for terms of life, or years, of the premiſes, or any parcel, whereupon the old rent and more is reſerved, and ſhall be due yearly, during the terms aforeſaid, and beſides the covenants in thoſe demiſes and grants being; and ſaving ten pounds by the year, of the ancient farm, for the town of SOUTHWARK aforeſaid, by the ſaid Mayor and Commonalty and Citizens due, in our Exchequer yearly to be paid and payable; willing, and by theſe preſents, by ſtreight injunction, commanding, as well our Chancellor and general overſeers, and council of our ſaid court of augmentations and revenues of our crown, and all receivers, auditors, and other our officers of ours, or of our heirs, whatſoever, for the time being, that they and every of them, upon the only ſhewing of theſe our letters patent, or of the inrolments of the ſame, without any other writ or warrant from us or our heirs by any means to be obtained and proſecuted, ſhall make and cauſe to be made unto the ſaid Mayor and Commonalty and Citizens of the ſaid City of LONDON, and their ſucceſſors, full power and due allowance, and manifeſt diſcharge of all ſuch corodies, rents, fees, annuities, and ſums of money whatſoever, going out, or to be paid out of the premiſes, or thereupon charged or to be charged, except as before excepted; and theſe our letters patents, and the inrolments of the ſame, ſhall be yearly, and from time to time, a ſufficient warrant and diſcharge, as well to the ſaid Chancellor and general overſeers, and to our council of our ſaid court of augmentations and revenues of our crown, as to all receivers, auditors, and other officers and miniſters of ours, our heirs and ſucceſſors whatſoever, for the time being in this behalf.

Saving what is herein reſerved.

Saving alſo 10l. per ann. for the town of Southwark, ancient rent.

The Charter only to be given in evidence for the proof of the premiſes

" We will alſo, and, by theſe preſents, do grant to the ſaid Mayor and Commonalty and Citizens of the ſaid City of LONDON, that

To be ſealed without fee or fine.

that they may and ſhall have theſe our letters patents, in due manner made and ſealed under our great ſeal of ENGLAND, without fine or fee, great or ſmall, to us in our hamper, or elſewhere to our uſe, to be by any means given, paid or made, although expreſs mention be not made in theſe preſents of the true yearly value, or of the certainty of the premiſes, or of other gifts or grants of us, or by any of our progenitors, to the ſaid Mayor and Commonalty and Citizens before this time made; any ſtatute, act, ordinance, proviſion, or reſtraint thereof made, ordained or provided to the contrary, or any thing, cauſe or matter whatſoever in any thing notwithſtanding.

"In witneſs thereof we have cauſed theſe our letters to be made patents: Witneſs myſelf at WESTMINSTER, the twenty-third day of April, in the fourth year of our reign."

By the above Charter, as a further benefit to the city, are granted to the Mayor and Citizens of LONDON, divers lands and tenements in SOUTHWARK, with the manor thereof, and its appurtenances; the aſſize of bread, wine, beer and ale; a fair for three days; and the offices of coroner, eſcheator, and clerk of the market, which are for ever veſted in the Lord Mayor and his ſucceſſors.

There being divers terms in this Charter difficult to be underſtood, I ſhall add their explanation:

Court-leet, what.

1. *Court-leet*, that is, a court held by the Lord of the Manor, for enquiring into offences committed in the ſaid manor, and wherein all copyholds thereunto belonging are ſurrendered upon alienation.

View of Frank-pledge.

2. *View of Frank-pledge* is an office belonging to the Sheriff of the county, and the Bailiff of the hundred, who are to have a ſtrict regard to the preſervation of the peace, and for the better conſervation thereof, were obliged to take

take a pledge of every freeman of the age of fourteen (religious, clerks, knights, and their ſons excepted) for his good deportment towards his King and country, otherwiſe to be ſecured in priſon; but that ſeldom happened, for neighbours were mutually bound for one another, and who, upon the leaſt malverſation of a perſon guaranted, were either obliged to ſurrender him, or commute for his offence by a pecuniary conſideration.

3. *Deodand*, that is, a thing given, or rather for- Deodand.
feited to God, for appeaſing his anger, in caſe of misfortune, whereby a perſon is brought to a violent death, without the concurrence or aſſent of a rational Being; ſuch as a man's being killed by the kick of a horſe, a fall from a cart, or other caſualty of the like nature, wherein no man was concerned, in which caſe the horſe, and cart and horſes, and ſuch-like, become deodands; which are ſold and divided among the poor, as an expiation for ſuch a melancholy event.

If language have a meaning, or words can give ideas, the juriſdiction of the City of London, over the Borough of Southwark, is here granted in the moſt extenſive manner, and in the cleareſt and moſt explicit terms:—or rather, the Borough of Southwark is incorporated into, and forms a part of the City of London. The citizens of London are poſſeſſed of as much power in the Borough of Southwark, as ſovereignty could confer;—and this charter afterwards received the confirmation of the legiſlature in a full and free Parliament. [2. W. and M. Seſ. 1. c. 18.]

So honorable and ſo important a grant could not be received with indifference; and indeed the earlieſt care was taken to carry it properly into effect.

To this purpoſe, in about the ſpace of a month after "the Mayor, Commonalty, and Citizens of London ſtood charged with the

the ordering, ſurvey and government of the ſaid borough, and of all the King's ſubjects inhabiting therein, and repairing thither: at a court holden before Sir ROWLAND HILL, Knt. then Lord Mayor, and the Alderman of the ſaid city, in the GUILDHALL of LONDON, on TUESDAY the 28th day of MAY, in the ſaid fourth year of the reign of King EDWARD VI. the ſaid town and borough was named and called BRIDGE-WARD WITHOUT: and Sir JOHN AYLIFFE, Knt. Citizen, and Barber-Surgeon, was then alſo named, elected, and choſen by the ſame court, to be Alderman of the ſame ward, although before that time there neither was any ſuch ward, nor Alderman."

NOR was it then intended, that this honor ſhould be a ſine-cure; ſeeing "it was alſo then ordered that the ſaid Sir JOHN AYLIFFE, by the name of Alderman of BRIDGE-WARD WITHOUT, and all others that from thenceforth ſhould be Aldermen of the ſame ward, ſhould have the rule, ſurvey and government, not only of the ſaid town and borough of SOUTHWARK, and other the King's people repairing to the ſame; but alſo of all liberties, franchiſes, and privileges within the ſaid town and borough, then and formerly granted by the King and his progenitors, to the ſaid Mayor, Commonalty, and Citizens of LONDON. And, for the due execution of which office the ſaid Sir JOHN AYLIFFE, was then purſuantly ſworn and admitted."

BUT not long after, at a Court of Common Council, holden in the GUILDHALL of LONDON, on the laſt day of JULY, in the fourth year of the reign of King EDWARD VI. and in the time of the Mayoralty of the ſaid Sir ROWLAND HILL, it was enacted, that, beſides the then ancient accuſtomed number of five and twenty Aldermen, there ſhould be one Alderman more elected, to have the rule, charge, and governance of the ſaid borough and town. And that four diſcreet perſons, or more, being freemen of LONDON, and dwelling within the ſaid city, or the Borough of SOUTHWARK, or in other the liberties of the ſaid city, ſhould from thenceforth,

thenceforth, as often as the caſe ſhould require, be from time to time nominated, appointed, and choſen by the inhabitants of the ſaid borough for the time being, before the Lord Mayor of LONDON for the time being, ſitting in the ſaid borough for that purpoſe, in ſuch ſort and order as the Aldermen of LONDON were in thoſe days commonly elected."

BY another act of Common Council held SEPTEMBER 20, 1711, Sir GILBERT HEATHCOTE, Knt. being then Lord Mayor, it was ordained, That upon the vacancy or demiſe of an Alderman of BRIDGE-WARD WITHOUT the ſenior Alderman for the time being, who has borne the charge and office of Mayoralty of the ſaid city, ſhall and may remove to, accept, and take the ſaid ward, and in caſe of his refuſal, to remove to that ward, then the next ſenior Alderman and ſo ſucceſſively every other Alderman, according to his ſeniority, who hath in like manner borne the ſaid office of Mayoralty, ſhall, if he thinks fit, remove to, accept, and take the ſaid ward: But if none of the ſenior Aldermen will accept the ſaid ward, the Lord Mayor for the time being ſhall, within fourteen days then next enſuing, cauſe a Common Council to be holden, at which Common Council, the Lord Mayor, Aldermen and Commons, then aſſembled, ſhall, by plurality of voices, forthwith elect, and chuſe a fit and able perſon, being a freeman, Alderman of the ſaid ward; which Alderman ſhall enjoy all the privileges of other Aldermen in the city.

PRUDENCE moſt probably directed the meaſure of referring this charge to the ſenior Alderman; ſeeing experience and capacity are both equally neceſſary to ſo important a truſt: beſides which, none but ſuch Aldermen as had paſſed the chair, were formerly capable of acting as magiſtrates; and it was always more eſpecially expedient that to the Alderman of this ward ſhould appertain a power of adminiſtering juſtice.

NEVERTHELESS it is presumed, that no acts of Common Council can supersede an act of Parliament, and therefore, that if there does actually exist a twenty-sixth ward, if BRIDGE-WARD WITHOUT be really and truly under the Government of the Magistracy of this City (suppositions that will not admit of controversy) the inhabitants of the said Ward, it has been apprehended, have, (by the act of the eleventh of his late Majesty, entitled, "An Act for regulating the Elections for the City and Liberties of LONDON) a right to choose their own Alderman, under the limitations thereby prescribed.—It is thereby enacted, that "from and after "the first day of June 1725, the right of election of Aldermen, "&c. of the several and respective Wards of the said City of LON-"DON, shall belong and appertain to Freemen of the said City "being Householders, paying scot, and bearing lot, when required "in their respective Wards, and to none others whatsoever."—— It also ought to be remembered that, by his late Majesty's favour, in the fifteenth year of his reign, every Alderman, as soon as he is sworn in, becomes *ex officio*, a Justice and Conservator of the peace.

How these rights have been suffered to lie so long in a manner dormant—or rather why so continued an usurpation has been permitted, it is not easy to determine. There is no law that pronounces the failure of *exercising* a right to be a *deprivation* or resignation of that right. On the contrary, the law says, a right sometimes sleeps, but never dies.—But the words of the Charter are strong and decisive:—for it is declared, that no *non-user*, *misuser*, or *abuser*, shall deprive the citizens of any of the rights and privileges thereby granted them.—It is, however, become highly necessary to resume that power, and to execute it with spirit and assiduity.

CONSIDERING how full and ample the powers granted by the Charter are, whereby your Lordship and your predecessors are, and were, entirely possessed of all suits personal, civil, and criminal, happening and arising in the said borough, it is somewhat surpriz-

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ing that the gentlemen of the law more immediately belonging to the city of LONDON, ſhould have been, in this caſe, ſo long blind to their own intereſts; eſpecially as gentlemen of that profeſſion have rarely been ſuſpected of being dim-ſighted to every opportunity of ſerving themſelves.—It is evident, beyond contradiction, that all diſputes there reſpecting property, all breaches of the peace, felonies, or other mal-practices, are under the immediate cognizance of the Magiſtrates of the city of LONDON; and that all and every proceſs is to be executed by their officers, and that they have the determination and adjudication of the ſame, in the ſame manner as in the city of LONDON.

IT is true that in the aforeſaid grant, there are expreſsly excepted the priſons of the MARSHALSEA, and the KING'S-BENCH: the former was originally deſigned only to take cognizance of offences and treſpaſſes committed within the verge of the royal palace; the latter was for the reception of priſoners who were committed by that court, wherein his Majeſty is preſumed to adminiſter juſtice in perſon. However it is clear, that it never was intended that the MARSHALSEA Court ſhould hold pleas of any matter in difference between the inhabitants of the Borough, or that the Sheriff of SURREY, or any of the King's officers or miniſters ſhould, in any way, intermeddle in the Borough-Town, Pariſhes or Precincts, granted to the City of LONDON. The Serjeants at Mace are impowered to ſerve proceſs in all the ſaid precincts, and the priſon appointed for malefactors that in any ſhape diſturb the peace, apprehended within the juriſdiction of the City, in the ſaid Borough, is NEWGATE.

EVEN in this inſtance, the neglect of exerciſing the authority, veſted by this grant, is injurious to the dignity of the City:—power, as long as it is legally and duly employed, will always command reſpect; if uſed in a too arbitrary a manner, it will be odious; if neglected, it will become contemptible, and ſubject to the uſurpation of the firſt invader that dares to attack it.—It is

not the abuſe of the authority, which the Mayor, &c. of LONDON, has properly over the Borough, but their too great inattention to the power, of which they are legally poſſeſſed, is meant to be here laid before your Lordſhip.

AND, my Lord, the intereſt as well as honor of the City is affected from the want of exerting its juſt privileges:—it is well known, that all employments in the law, particularly appropriate to the City, from the Counſellor down to the Serjeant at Mace, are purchaſed places; and that the purchaſe money is in proportion to the profits and emoluments expected to ariſe from them reſpectively. It is alſo ſaid, that theſe places, of late years, have ſunk very conſiderably in their price. Happy indeed would it be, if the ſpirit of litigation was alſo diminiſhed; but this, it is to be feared, is not the caſe. However it is certain, that whatever will encreaſe the profits of theſe places, muſt enhance their value; and nothing ſeems better calculated for this purpoſe, than to extend their juriſdiction.

THE inhabitants of the Borough being compelled to obey the precept of the Sheriff of the county to ſerve upon juries, is deemed as well oppreſſive as illegal. Oppreſſive, becauſe hereby the induſtrious tradeſman is taken from his family and buſineſs for a length of time, and to very inconvenient diſtances from the place of his abode. Illegal, becauſe the charter expreſsly prohibits the Sheriff for the county of SURRY, from intermeddling in the precincts granted to the City; and at the ſame time commands a due obedience to the precept of the Lord Mayor,—*No man can ſerve two maſters.*

IT ſtill remains to enquire by what right the juſtices of the County of SURREY arrogate to themſelves a juriſdiction over the City's immediate franchiſes in the Borough of SOUTHWARK. For they have actually taken upon themſelves to ſign the rates for the poor,—to determine appeals,—to licenſe victuallers,—and

to

to exercise every other duty of magistracy. The Charter is clear and express, that all and singular the inhabitants of the said Borough be under the magistracy and government of the Mayor, &c. of the city of LONDON, and that the Justices of Peace in LONDON, shall be Justices of Peace in SOUTHWARK.

THERE is a very essential difference in the constitution of Justices of Peace for counties, or places *not corporate*; and those cities, boroughs, or towns that have been *incorporated by Charter*. The former are appointed by the crown, and are its immediate ministers, holding their authority only during pleasure:—The latter become magistrates in consequence of the office they hold under the corporation; nor can they be dismissed from the exercise of their power, but for some remarkable abuse of it. And on this subject, Lord HALE observes, "that if this franchise of being Justices be granted, so that Justices of the County shall not intermeddle (which is precisely the case with respect to LONDON and the BOROUGH) "though a subsequent commission be granted in the county at large, yet the Justices have no jurisdiction in such coporation or town."

THERE is also a cause in point, TALBOT and HUBBLE, Trin. 14. G. 2.—The question was, whether, as the city of NEW SARUM had an *exclusive* commission of the peace, the Justices of the county of WILTS could act in that city?—This case was argued three times, and the above term LEE Ch. J. delivered the resolution of the court,—"That the crown might grant to any city, &c. &c, to have Justices of their own within themselves, and exclude the county Justices from intermeddling in the ordinary business of a Justice of the Peace:—and that in such case the act of the county Justices would be void."—STRANGE, fol. 1154.

THE jurisdiction of Justices of the Peace has been greatly enlarged since their original institution; many matters are now subjected to their cognizance, and finally determined by their authority

with

with which formerly they were unacquainted;—and in proportion to their power, will be their influence over ſuch as expect their favor, or fear their reſentment.—Their power, for inſtance, to grant licenſes is ſuppoſed to be abſolute and incontrolable;—and their influence in conſequence become ſo extenſive as to render it a matter of ſerious apprehenſion.—There have been times, when corruption ſtalked bare-faced in the kingdom of Great Britain: When the ſubſervience of a Juſtice of Peace, to the will of an iniquitous Miniſter, was the condition or tenure by which the Juſtice was to hold his power; and perhaps at the ſame time, his Worſhip might be more obliged to his magiſterial authority for a ſubſiſtence, than to the alledged eſtate that was to qualify him for the office. In ſuch a caſe, my Lord, neceſſity may prevail over virtue, and the originally well-meaning man may think himſelf excuſable for exerting all the authority he is inveſted with, to ſerve the dirty purpoſes of the patron who procured him that authority. Preventive wiſdom, is beſt: Experience informs what has been, and prudence would adviſe to guard in the beſt manner againſt thoſe miſchiefs or inconveniences that may have been heretofore felt, or that may hereafter be attempted.

PERMIT, my Lord, a ſuppoſition that, it is hoped, will never exiſt in reality.—Should a miniſter hereafter ariſe, whoſe whole confidence for protection and the ſupport of his power, was placed in the corruption of the people: His principal aim would be to obtain a majority in an auguſt aſſembly that it is wiſhed never could receive a corrupt member. What more ready means could ſuch a miniſter purſue to obtain his purpoſes, than by appointing a ſet of venal magiſtrates ever depending for ſubſiſtence on the continuance of their authority, and their obedience to the dictates of their patron?

SHOULD this, my Lord, for inſtance, ever happen to be the caſe of the Borough of SOUTHWARK, and in the liberties thereof granted to the City of LONDON,—what influence might not a few Juſtices of the Peace have in the election of repreſentatives for

for that Borough; and more eſpecially if the number of perſons be conſidered, who cannot but look upon themſelves dependent on thoſe Magiſtrates for the favor of getting a livelihood?—There are, at preſent, above four hundred Publicans; and in proportion to their trade, or the credit they give, upon a moderate computation more than double the number may be allowed to be dependent on them?—The conſequence is manifeſt, there could be no real occaſion for the formality of election, the miniſter appoints the members.

THE power aſſumed by the Juſtices of the County to licence Victuallers is apprehended, my Lord, not leſs derogatory to the honour, than prejudicial to the intereſt of the City of LONDON. This power they have continued to exerciſe in an abſolute manner, and almoſt without contradiction, for many years, in manifeſt violation of your Charters, notwithſtanding they are poſitively forbidden to intermeddle in their precincts, and in defiance of the general cuſtom and known laws of the kingdom: For in moſt, if not in all Corporations, the reſpective Magiſtrates are expreſsly inveſted with the aſſize and aſſay of bread, beer, &c. with the licenſing, correcting, and puniſhing Victuallers, within their particular liberties and franchiſes.

"BY Statute 12, Edw. IV. C. 8. it is enacted, that none other than the Governors, that is to ſay, the Mayors, Sheriffs, and other like Governors of every City, Borough, and Town of ſubſtance, or ſuch as are empowered by Charter, ſhall have the ſurveying of all Victuallers, and the correction and puniſhment of the offenders and breakers of the aſſize."—This act was indeed intended more particularly to put a ſtop to the impoſtures upon Victuallers by certain perſons, who had obtained patents for the ſurveying and correcting Victuallers in particular diſtricts, and who, under colour of theſe patents, were guilty of great extortion and oppreſſion.—If common fame may be believed, the victuallers of ſome counties may with equal juſtice complain of ſome county Magiſtrates;

Magiſtrates; it is ſaid, that they have not always behaved with impartiality, and that their underlings in office have left untried no means of extortion.

The cuſtomary method of enforcing this juriſdiction has been to give not only public notice, but alſo reſpective ſummons to each and ſingular victuallers in the Borough, to appear before the Juſtices for the county on as early a day, and then as the law directs, for applying for licences. Theſe ſummons are iſſued by the direction of the county juſtices, and certain fees, and a perquiſite to particular perſons from every licence. Conſidering the number of publicans that live in Southwark within the precincts granted to the City, theſe perquiſites, ſmall as they may appear, amount to a tolerable round ſum. The perſons, whoever they may be, to whom the perquiſite belongs, ought not to be blamed for obeying an order of their maſters ſo beneficial to themſelves; and it may perhaps be deemed an uncommon ſpecimen of diſintereſtedneſs in the officers belonging to the City, to theſe perquiſites are imagined to belong, that they give themſelves no trouble about them.

Some, indeed, without denying the rights of the city, have imagined that the County Juſtices have, at leaſt, a concurrent juriſdiction in the Borough. A pretence that is contradicted by general practice.—By concurrence, is commonly underſtood an aſſociation of two or more different parties in the execution of the ſame duty, or the performance of the ſame act. But can it, with any colour, be alledged that the County Juſtices were ever aſſociated with the Magiſtrates of London, in hearing or determining any matter or cauſe whatſoever in the ſaid borough or precinct?

If by concurrent is meant an equal juriſdiction, the plea is ſtill more abſurd: was it ever known in any town, borough, or corporation, that there were two ſeparate and diſtinct courts of judicature, each poſſeſſed of an equal degree of power to determine the ſame

ſame matter? Such ſeparate and unconnected juriſdictions muſt be productive of the utmoſt confuſion; and, it is but too true, that the inhabitants of the Borough of SOUTHWARK have ſenſibly and grievouſly experienced the inconvenience ariſing from this pretended claim.

FOR inſtance, *A* thought himſelf aggrieved by a pariſh rate, which had been confirmed by two County Juſtices: he appealed to the quarter ſeſſions for the county, then held at a very conſiderable diſtance, but did not meet with the relief he expected.—He afterwards appealed to the ſeſſions held by the Lord Mayor, where his grievance was redreſſed.—If both courts have an equal right to adjudge and decide the ſame cauſe, and ſhould determine it differently; by which determination muſt the appellant and appellee abide: what muſt enſue but endleſs perplexity or perpetual diſputes?

THIS was the caſe with Mr. H. WILLIAMS, who conſidering himſelf over-rated to the poor, appealed to the County Juſtices for redreſs.—The rate was confirmed, and diſtreſs levied upon his goods for the payment: he applied a ſecond time, and to no better purpoſe. At laſt, he applied to the Lord Mayor in quarter ſeſſions, where he found the relief before denied him; and ſuch coſts were adjudged as were in the power of the court to give, though they were very unequal to the expence he had been at.

To admit a concurrent juriſdiction, would involve in it the abſurdity of *two* commiſſions of the peace being held for *one* county at the ſame time. And ſo obſerved Lord GRANTLEY, at the Seſſions held at Guildford, in the year 1780, at which time a *ſpecial* Commiſſion was then holding for the trial of the rioters; and therefore his Lordſhip adjourned the Seſſions to a future day.

BUT, ſuperior to all argument or opinion upon this point, is the expreſs direction of the Charter granted to the City of LONDON,

by King CHARLES I. Anno 1630; the clauſe of which is verbatim: Sect. 12.

"And we do conſtitute, make, and ordain by theſe preſents, for us, our heirs and ſucceſſors, the ſame Mayor, Recorder, and Aldermen, aforeſaid, or Keepers and Juſtices, and *each of them*, the Keeper and Juſtice of us, our heirs and ſucceſſors, within the City of LONDON aforeſaid, and within the LIBERTIES of the ſame."

BY another clauſe in the ſame charter, the Mayor is to name a Juſtice of the Peace for MIDDLESEX, and another for SURREY, whoſe names are to be inſerted in all commiſſions of the peace.

THE county Magiſtrates have with impunity invaded this right many years;—and not content with ſeizing the right of juriſdiction, they have even taken poſſeſſion of the freehold, by conſtantly holding their ſeſſions in January at the Town-hall, on St. MARGARET'S HILL;—a place originally built by, and ever ſince maintained and upheld at the expence of, the City. They have appointed the ſame day for holding *their* ſeſſions in *your* Court-houſe, that had been marked in the Calendar for the Lord Mayor to be preſent for the ſame purpoſe.—They have diſputed with the Steward of the Borough, appointed by the City of LONDON, whether he ſhould hold pleas there, in preference to their buſineſs:—and indeed, ſo recently as the year 1786, it was refuſed to permit the Lord Mayor and Recorder to proceed to buſineſs and hold their ſeſſions, until Sir JOSEPH MAWBEY and the other county Juſtices thought proper to adjourn their own.

A SIMILAR conduct was practiſed again in 1787; on which occaſion, as if to add *inſult* to *injury*, the Reverend Mr. MADAN (the author of the famous *Thelypthora*,) declared, publicly at the KINGSTON ſeſſions, "That if he had been preſent when the Mayor and Recorder came to the Town-hall in the manner above-mentioned, that he would have thrown the ſword of ſtate out of the

the window, and have committed the Recorder for daring to come thither to hold a ſeſſions, while the SURREY Juſtices were ſitting there."

SUCH inſults—ſuch uſurpation of right, and invaſion of property, ought to rouſe the reſentment of the citizens to reſume their franchiſes, and excite them to drive the SURREY Juſtices, the Sheriff, and all their myrmidons out of the Borough.

THE conduct of Mr. R. C. SMITH, deſerves the ſevereſt reprobation;—he is a freeman and liveryman of LONDON,—bound by *oaths* to ſupport all the rights and privileges of that city;—and yet, unleſs he be groſsly ignorant of the claims upon him, is taking the moſt active part in oppoſition to his oath, and the chartered privileges of his fellow-citizens.—— The motives of his conduct are not altogether unknown. A few years ſince, this gentleman, with ſome other ambitious characters in the Borough, entered into an aſſociation for applying to the City to emancipate the inhabitants of the Borough from the juriſdiction of the City (a convincing proof that Mr. SMITH *then* acknowledged that power which he now ſo ſtrongly denies) in order to obtain a legiſlative ſanction to incorporate themſelves in SOUTHWARK, and be governed by a Mayor, &c. when Mr. R. C. SMITH had vanity enough to ſuppoſe that he ſhould be the firſt to fill that important ſtation. The project however was ſcouted with contempt;—Mr. SMITH purſued his views of greatneſs through another channel, and was ſoon after gratified, by being appointed a Magiſtrate for the County of SURREY. He has ſince bore an invincible enmity to the City juriſdiction in SOUTHWARK; and hence thoſe illiberal reflections of Sir JOSEPH MAWBEY, who is merely the mouth-piece of Mr. SMITH, on the occaſion of the Mayor going over to hold a Seſſion in SOUTHWARK; certainly it is extremely diſagreeable to have the ſtate coach, ſtanding before R. C. SMITH's door, which it generally does when it comes into the Borough;—it reminds him

of the honours which he wiſhed to enjoy, but which the City deprived him of by cruſhing his application in the bud.

But a more ſerious thing is the inconvenience under which the inhabitants of Southwark labor, by not having a Magiſtrate to act for the Borough of Southwark. Mr. Peckham is not at preſent competent, nor is he likely ſo to be, as we underſtand his name is abſolutely refuſed to be inſerted in the Commiſſion of the Peace for the County of Surry. In conſequence of which, the inhabitants of Southwark are obliged to apply to the Juſtices for the County,—and if they are bound over to proſecute, muſt attend the Seſſions at Kingston, Riegate, and Guildford, or elſe forego a proſecution on account of the great expence that muſt neceſſarily occur in being obliged to attend with their witneſſes at ſo great a diſtance from their own places of abode, and permit the priſoners to go at large for want of proſecution, which is therefore frequently the caſe. Whereas, was there a proper Magiſtrate for Southwark, they might have juſtice done at their own door, at a trifling expence; by the delinquent being tried in the Borough of Southwark. The preſent inconvenience under which the inhabitants of Southwark now labor for want of ſuch Magiſtrate, might be obviated by the gentlemen who have paſt the Chair, attending daily in rotation in Southwark, for two or three hours in each day, which would be but mere amuſement to the Aldermen, but of great utility to the inhabitants of Southwark.

There is alſo lately built, a new and commodious Priſon, in Mill-Lane, Tooley-Street, Southwark, properly fitted up for the reception of felons, for felonies committed in Southwark;—but what is the uſe of it, if there is no Magiſtrate that can commit to ſuch gaol?—It is not to be ſuppoſed that the Juſtices for the County will bind over proſecutors to appear, or commit Felons, for trial before the Lord Mayor.

In fact, the Inhabitants of Southwark, inſtead of enjoying thoſe

privileges

privileges which they ought, from living in a peculiar jurisdiction, are now subject to two jurisdictions; for they are called upon to do their duty not only by the Lord Mayor, but by the Justices for the County; and if they disobey either, they are *severely fined*, as it frequently happens, that they are called upon to attend both places at the same time.

THERE is another circumstance that ought to arouse the City from their lethargy, and that is, the Justices for the County taking upon themselves an arbitrary authority to insist upon the Bailiff of SOUTHWARK, attending their sessions at KINGSTON, GUILDFORD, and REIGATE; and because the present Bailiff, SIR WATKIN LEWES, has carefully withstood the mandates, and refused to attend such sessions—they, the Justices for SURREY, have regularly fined him 30l. each session—which fines have been estreated into the Exchequer.

AND the conduct of the Justices of SURREY, in this instance, ought to be particularly taken notice of; for on the first day of the Sessions, the Clerk of the Peace, in pursuance of an old custom, regularly calls over the Bailiffs of every corporation and town in the county; and among the rest, though by what right we cannot tell, the Bailiff of SOUTHWARK is called on; if he should attend, *the farce of making a bow* is acted, nothing is said to him, and he returns home, after having incurred the expence of two or three guineas for chaise-hire and other expences: But their strict justice is such, that though no other Bailiff so called over, ever does, or is even expected to attend, that they never inflict any fine, for such neglect,—a strong proof of their great impartiality and love of Justice!

No person stands so forward on this occasion of fining the Bailiff of SOUTHWARK as the haughty and inexorable Dr. THELYPTHORA, of famous memory—first *a Lawyer*—then *a Divine*, and now the most humane of *Magistrates*. It will be extraordinary if he does not yet make his end in another character.

SIR

Sir JOSEPH MAWBEY, of all men, inſtead of oppoſing the wiſhes of the inhabitants of SOUTHWARK, ought to ſupport all their rights and reaſonable claims:—they took him upon their ſhoulders when he firſt made his entrance in public life; they ſupported him in all his elections, and brought him in as their repreſentative againſt all oppoſition;—they did not deſert him—he deſerted them: his ambition was too great to be contented with repreſenting the firſt Borough in the kingdom: And nothing leſs than repreſenting the county of SURREY, however ineligible or unfit, could ſatisfy his wild ambition; but it is to be hoped, that the county at large will recover its its dignity, and expel ſuch a man from their repreſentation.

In this light let the preſent ſtate of the Borough and precincts aforeſaid be viewed; let alſo the future advantages, that may reaſonably be expected from the invitation a more commodious bridge is daily giving to perſons of opulence to ſettle there, be fully conſidered; and ſurely there cannot remain the leaſt doubt of the many benefits that may accrue to this city from a due exertion of the powers and privileges granted to it. The intruders on the rights of your Lordſhip and the citizens of London, in effect, demonſtrate the value of thoſe rights: Seeing what is worth their giving themſelves ſo much trouble to uſurp, certainly ought, by a parity of reaſon, equally to merit your attention to preſerve.

THE conſequences reſulting from the magiſtracy of the city having neglected to exert the juriſdiction properly appertaining to them, is ſenſibly, nay grievouſly felt by the inhabitants of the Borough and precincts, who apprehend themſelves to be only anſwerable to that juriſdiction. For inſtance, the inhabitant, who ſhall reaſonably believe himſelf aggrieved by an extraordinary poor's rate, has heretofore thought himſelf obliged (becauſe the rate was approved and ſigned by two Juſtices for the county) to appeal for redreſs no where but to the Quarter Seſſions of the County, wherever ſuch Quarter Seſſions was held. Hence many expenſive

journies

journies have been occaſioned, and, what is more dear to the truly induſtrious tradeſman, a great loſs of time hath enſued, and after all, it was impoſſible to obtain the redreſs, to which they had juſt cauſe to believe themſelves entitled.

THERE have been, indeed, found perſons who had courage enough to diſpute the deciſion of the county quarter ſeſſions; the one was, WILLIAMS againſt the pariſh of St. JOHN: the other, DARE, againſt the pariſh of St. OLAVE. They farther appealed to the court held by the Lord Mayor of LONDON, &c. where they met with relief; nor has any attempt been made to reverſe that decree. Can there be a ſtronger proof that the invaders of the city rights were conſcious of their want of power?

SIR J. Mawbey has diſputed, or rather denied, the power of the city of LONDON to hold ſeſſions in the Borough.—However, hiſtory would readily inform him that this right was for many years duly executed; though, in ſome later times, it may have been neglected—when Royalty aſſumed a more arbitrary power, when it was apprehended, that a Recorder was about to be impoſed on the city of LONDON by the court, the Lord Mayor did not ſcruple to ſay to the then Lord Treaſurer, that the election was made, and that it was neceſſary it ſhould be ſo, in order that the duties of the office ſhould be ſupplied! Beeauſe it was neceſſary to hold a quarter ſeſſions in the Borough of SOUTHWARK, according to the Charter of LONDON.—In the mayoralty of Sir JOHN SPENCER, 1594.

THE office of Conſtable is ancient and important; and for the better government of ſo large a diſtrict as Bridge-ward Without, ſeveral were neceſſary: no open attempt has indeed been made to contravene the power of the city Magiſtrates to admit and ſwear in theſe officers; nevertheleſs it muſt appear ſomewhat extraordinary that a ſingle Juſtice for the county ſhould take upon himſelf to judge of the unfitneſs of ſuch as had been admitted by a Lord

Mayor

Mayor of LONDON, and of his own mere will to remove, and ſwear in others. Yet this is ſaid to have been the caſe with reſpect to two perſons not many years ago, who were ſo removed, and others appointed. For this unprecedented act of power no other apology was made, than that the perſons appointed were improper for the office, that there ought to be no vacuity in the office of Conſtable, and the city might diſpute the matter with him, if it was thought proper.

HOWEVER, my Lord, it is ſomewhat in favor of the city, that the power of the Lord Mayor to approve and ſwear in theſe officers has not been abſolutely diſallowed: The not denying is in a great meaſure an acknowledgement that the conſtables of the borough are officers only under the juriſdiction of LONDON. Under what pretence then does the Sheriff of the county (who by the Charter is expreſsly forbidden to intermeddle in the town, borough, pariſhes, and precincts aforeſaid) iſſue out precepts requiring and commanding the conſtables of the borough, &c. to attend at the ſeveral Quarter Seſſions wherever held in the county. The only pretence that can be offered, is that the magiſtracy of LONDON have been too ſupine and negligent of their rights; if they would not attend to diſcharge the duties required of them by their Charter, it was neceſſary that there ſhould be no delay of juſtice: the conſtable muſt make a due return of the reſpective warrants committed to his care; and had theſe warrants been iſſued by a magiſtrate of LONDON, he could not be compelled to anſwer for them, but under the juriſdiction of the city.

THUS far, my Lord, it has principally been endeavoured to ſhew that this neglect of exerciſing its legal juriſdiction over the borough and precincts granted by Charter, is not only derogatory to the dignity, but alſo injurious to the intereſt of the City of LONDON.— It remains to ſpecify in what manner the inhabitants of the ſaid borough and precincts are aggrieved by this undeſired, nay unneceſſary, officiouſneſs of the County Juſtices, and by the ſupineneſs and negligence of the magiſtrates of LONDON.

FIRST

FIRST, Such tradeſmen and houſeholders, as are called upon to ſerve the office of conſtable, cannot help complaining of being obliged to pay obedience to the warrants of the juſtices for the county; whereby they are of courſe obliged to attend the ſeveral ſeſſions, wherever held, to make returns of ſuch warrants. Hence it is that this important office may be often truſted to hirelings, that are verſed in the way of reaping a profit by the unhappy, and are acquainted with the means of making every advantage of the wicked or miſerable.—It may alſo farther be obſerved, that ſhould it ever happen that one or more Juſtices of the Peace ſhould think it neceſſary to make the moſt of their commiſſion, warrants will be granted upon every trivial application.—A conſideration ſufficient to deter any man of reputation from ſerving the office of conſtable in perſon, and therefore of inducing him to appoint the ſubſtitute that can be procured.

SECONDLY, Whether thoſe parts of the Borough of SOUTHWARK that are profeſſedly under the juriſdiction of the City of LONDON be not exempt equally with the city from the burthen of quartering ſoldiers, is a queſtion that cannot decently be diſcuſſed here. But this is true, and it is hoped it may be ſaid without giving offence, that great partiality has been ſhewn in this reſpect, and that a very diſproportionate ſhare of the burthen has has been impoſed upon thoſe publicans who have choſen to prefer their petitions for licences, rather to your Lordſhips, &c. than to the county juſtices.—Nay even the validity of the licences granted by the Lord Mayor has been queſtioned.

THIRDLY, Such of the inhabitants of the Borough as apprehend themſelves under the immediate protection and government of the City, cannot but think themſelves much aggrieved by being aſſeſſed to the county rate; a tax that appears to them unreaſonable; becauſe they properly have no bridges, no goals, no houſes of correction, to repair, nor any keepers of goals or houſes of correction to pay, but what are upheld, ſupported, and paid at the

expence of the City; nor, it is presumed, there is the least pretext in law for making this demand—The Act "for the more easy assessing, collecting and levying county rates," expressly ordains that this assessment shall be made at the General Quarter Sessions by the Justices of the Peace, within the respective limits of their commission.—But can it, my Lord, be pretended, consistently with the recited Charter, that the Justices for the county have any legal power over this immediate appurtenance to the City? should this grievance remain long unnoticed, it cannot be wondered at, if hereafter the Justices for the County of MIDDLESEX should issue their mandate, and impose the same tax upon the citizens of LONDON inhabiting within the City.

FOURTHLY, The inhabitants of the said precincts, as true friends to their country, and loyal subjects to their King, could not help rejoicing at the establishment of a useful militia, the only natural defence, except the navy, of these kingdoms: they furnished the quota required of them, but indeed reluctantly; and principally on this account, that they conceived the requisition illegal and derogatory to the honor of those Magistrates to whom alone they esteem themselves obliged to pay obedience.—By the Act of Parliament for that purpose, it is declared, that in towns or franchises where there is no Lord Lieutenant appointed by his Majesty, the Chief Magistrate shall have the same power as the Lord Lieutenants have in counties. Now who is their Chief Magistrate, but the Lord Mayor of LONDON?—or had they refused to obey the precept of the Lord Lieutenant, who could have levied the penalty of disobedience? not the Sheriff for the county, nor his officers; for they, as has been before observed, are absolutely forbidden to intermeddle there.

Now, my Lord, can such of the inhabitants of SOUTHWARK as are properly under the jurisdiction of the City, be blamed for wishing to participate of these inestimable privileges? could any injury accrue to the City, if BRIDGE-WARD

WITHOUT

WITHOUT was hereafter permitted to chooſe their own Alderman, and even to ſend repreſentatives to the Common-Council? When the City of LONDON originally petitioned the King to have the government of the Borough of SOUTHWARK annexed to it, it was alledged that it was an aſylum for bankrupts, thieves, &c. who eſcaped thither in order to elude the purſuits of juſtice.—Is it becauſe the ſaid Borough and precincts are ſince become leſs deſerving your attention? or can it be, becauſe they enjoy a greater ſhare of trade and opulence than formerly, that they become leſs worthy of the protection of the City?

THIS ſurely, my Lord, would imply a ſtrange abſurdity in politics; ſeeing nothing is more certain, than how much more uſeful any people are capable of being to the whole or any part of a community, by ſo much more ought they to be reſpected and encouraged.

THE attainment of theſe deſireable ends, is, my Lord, the ſole motive to the Addreſs now moſt reſpectfully offered to your Lordſhip:—the deſign of it is honeſt, and intended as much with a view of ſupporting the dignity of the City, as for the eaſe of the complaints; wherefore it is hoped that it will not be taken amiſs. That your Lordſhip will lend a favorable and attentive ear to it, is the laſt requeſt of

My LORD,

Your Lordſhip's very humble

And devoted Servant,

An INHABITANT *of the* BOROUGH.

ADDENDA.

THOUGH the wiſdom of the legiſlature has veſted a very great ſhare of diſcretionary power in the hands of County Juſtices—and though in ſome inſtances their authority is ſo arbitrary as not to admit of an appeal to the courts of law from their deciſions—yet this delegated power was certainly granted them on the idea of its being only exerted in the cauſe of right and propriety, with-without favor or partiality:—or as their own oath expreſſes it, "without being of counſel of any matter hanging before them." Lord MANSFIELD on this ſubject has declared, "That if it "clearly appears, that the Juſtices have been *partially*, mali-"ciouſly, or corruptly influenced in the exerciſe of their diſcre-"tion, and conſequently abuſed the truſt repoſed in them, they "are liable to proſecution by indictment or information; but his "Lordſhip adds, that he ſhould always lean towards *favoring* "them, unleſs partiality or malice ſhould *clearly* appear." [BURROWS Manſ. 556.] This venerable ſage was here ſpeaking as a *lawyer*;—as a *man*, *he* certainly will not *doubt* the truth of every thing which cannot be *proved* in a court of juſtice; or have the public no right to judge of the *motives* of men, from the manifeſt tendency of their *actions*?—The voice of the law may be unable to inflict a puniſhment—but the voice of the public will not fail to beſtow a well-merited cenſure.

NAR-

NARRATIVE.

The following narrative will remain a ſtriking inſtance of ſuch partiality, where no *legal* redreſs could poſſibly be obtained:—it appeared in the MORNING HERALD, of Sept. 27, 1787.

DOG AND DUCK.

MR. EDITOR,

THOUGH I am not qualified to write for the public preſs, yet was I to let the many ſcurrilous and malicious paragraphs (which have lately appeared in ſome of the morning papers, reflecting on my character and conduct) paſs entirely unnoticed, my ſilence might be conſtrued as a conceſſion of their aſſertions;—but conſcious that ſuch abuſe is as unmerited as it is unprovoked, I beg leave to ſtate a plain narrative of facts, relating to my conduct, from the time I received the firſt notice from the Juſtices at the petty ſeſſions, held the 6th of July laſt, and leave the impartial public to judge, how far I am deſerving the abuſive epithets which thoſe dealers in detraction have ſo liberally beſtowed.

FIRST NOTICE.

"East Brixton and Southwark.

"At a petty ſeſſions of the peace, held for the diviſion aforeſaid, on Friday the 6th day of July, 1787.

"The Magiſtrates having received a complaint, that muſic is continued at Vauxhall Gardens to an indecent hour on the Sunday morning,

"Reſolved unanimouſly,

"That notice be given to the proprietors, that their licence will, in future, be oppoſed, unleſs care be taken to prevent a continuance of ſuch practice.

"Information being alſo received, that the Proprietors of the Dog and Duck, and Cumberland Gardens at Vauxhall, employ or permit muſic in the gardens or rooms, contrary to act of parliament,

"Reſolved

"Reſolved unanimouſly,

"That notice be given to the Proprietors aforeſaid, that the renewal of their licences will be oppoſed, unleſs ſuch Muſic be forthwith diſcontinued."

By Order of the Magiſtrates,

(Signed) JOHN PARDON, } Clerks.
WM. PEARSON, }

As ſoon as I received the above, I diſcontinued my muſic both in the rooms and gardens, drawing this natural concluſion from the words in the orders, "That my licence would not be oppoſed, as I had ſtrictly obeyed them."

IN the month of Auguſt I received the ſecond notice, as follows:

EAST BRIXTON *and* SOUTHWARK, *in the County of* SURREY. } "You have hereby notice, and are required perſonally to be and appear at a General Meeting of his Majeſty's Juſtices of the Peace for the county of Surry, acting in and for this diviſion, appointed by them to be held at the Union Hall, in SOUTHWARK, on Tueſday the 4th day of September next, at Nine of the Clock in the Forenoon, and then and there to bring and produce to the ſaid Juſtices, the Licence granted you for retailing beer and ale in the houſe where you now live, to have the ſame renewed for the year enſuing, and perſonally to enter into recognizance with one or more ſureties, to keep good order according to the Act of Parliament; and that ſuch perſons as were not licenced the year before, muſt produce a certificate of their good fame, ſober life, and converſation.

(Dated the 18th day of Auguſt, 1787.)

By Order of the ſaid Juſtices.

BY an expreſs order of the Juſtices, "No Licence will be granted to perſons having ſkittle-grounds, billiard-tables, &c. unleſs the ſame are forthwith removed; and that no Beadle or Parochial ſervant, will be admitted as a ſecurity.

(By the ſame Juſtices)

(Signed) JOHN PARDON, } Clerks.
WM. PEARSON, }

THE

THE foregoing notice, I alſo implicitly obeyed, and converted my ſkittle-ground to another uſe, thinking, as I had done every thing on my part, by complying with the ſeveral orders of the Juſtices, and keeping my houſe ſhut during divine ſervice, agreeable to the law, that I had nothing to fear; and therefore I applied, as uſual, on the 4th of September inſtant to the SURREY Magiſtrates for a renewal of my licence, when I was told a complaint had been lodged againſt me by ſome of the inhabitants of the Pariſh of LAMBETH, and they (the Juſtices) would take the ſame into conſideration, and give me an anſwer on the 11th, when I was ordered to attend. It is here neceſſary to remark, the DOG and DUCK is in the pariſh of ST. GEORGE, SOUTHWARK, and the complaints before-mentioned, originated from ſome reſolves that paſt in the Veſtry of the Pariſh of LAMBETH, which was ſaid to be called for the purpoſe of taking his Majeſty's Proclamation into conſideration.—The inhabitants of the ſaid Pariſh of LAMBETH are very numerous—the veſtry, an open veſtry, and every houſekeeper has a right to vote; but it not being generally known, that any ſpecial matter was to be agitated, it was but thinly attended, and the reſolves alluded to were not ſigned by more than ten or twelve perſons, therefore could not be deemed the ſenſe of the pariſh, which indeed more fully appears by a ſhort Memorial, ſigned by a number of the moſt reſpectable inhabitants of the ſaid pariſh, reſiding near the DOG and DUCK; the reſolves alſo implied a cenſure on the officers of the Pariſh of ST, GEORGE'S, SOUTHWARK. How far the Gentlemen were right in that reſpect, will appear by the following copies.

ON the 11th, I attended the Juſtices as ordered, and preſented the following Memorial and Certificate, to ſhew that the complaints were groundleſs.

"To the Worſhipful his Majeſty's Juſtices of the Peace, acting in and for the Borough of SOUTHWARK, and Eaſt half Hundred of BRIXTON, in the County of SURREY, at their Special Seſſions for Licenſing Victuallers aſſembled.

The

The Humble MEMORIAL and PETITION of JAMES HEDGER,

"SHEWETH,

"THAT your memorialiſt hath, for twenty-five years kept, and now doth keep an ancient victualling-houſe, known by the DOG and DUCK, in the Pariſh of ST. GEORGE, SOUTHWARK.

"That your memorialiſt is informed, that ſome of the officers and pariſhioners of the Pariſh of LAMBETH, lodged a complaint (ſigned by the Veſtry-clerk only, and not by any of the ſuppoſed complainants) againſt your memorialiſt, ſtating, that they apprehend his houſe is offenſive and injurious to ſeveral of the inhabitants reſiding near the ſame, and praying a diſcontinuance of his licence; on the contrary, ſeveral reſpectable inhabitants and houſeholders, the neareſt and moſt liable, (if any) to be annoyed, will ſhew to your Worſhips, that the evils complained of are not well-founded.

"THAT your memorialiſt has ſeveral houſes in that neighbourhood, the whole of which are inhabited by the moſt reſpectable people, and not a ſingle perſon of the deſcription alluded to in the above-mentioned complaint reſides in any of them.

"YOUR memorialiſt begs leave to obſerve, that during the time he has kept the ſaid houſe, it has never once been hinted to him that it was any-ways offenſive, or diſagreeable to any other perſon whatſoever, nor have your Worſhips, or any of your predeceſſors ever found fault with the conduct of your memorialiſt, or with the conducting and carrying on his buſineſs till the laſt Petty Seſſions, when he received an order from your Worſhips to "diſcontinue his muſic, or that his licence would be oppoſed;" that immediately on receiving ſuch an order, he did diſcontinue the muſic, and has never had any ſince that time; and finding it was your Worſhips' pleaſure, to forbid ſkittle-playing in the diviſion, he inſtantly converted his ſkittle-ground into a carpenter's ſhop.

"THAT your memorialiſt always keeps the beſt order and regulation in his houſe, never ſuffers gaming of any ſort, or any irregularity or diſorder, nor never ſerves liquor to any perſon after ten o'clock at night, at which time his houſe is conſtantly ſhut.

"THAT

"THAT at the laſt Quarter Seſſions for the county of SURREY, your memorialiſt found a bill of indictment was preferred againſt him by THOMAS SMITH, and WILLIAM KELLY, too well known and notorious characters, which he verily believes was done for the purpoſe of extorting money from him, and which, as your memorialiſt is informed, has been repreſented to your Worſhips, as an indictment, 'for keeping a diſorderly houſe;' but your memorialiſt aſſures your Worſhips, it is only for keeping a place for public muſic, without a licence, for lucre and gain; which your memorialiſt denies; and before the time the indictment was preferred, the muſic was diſcontinued, and has been ever ſince.

"AND as your memorialiſt never meant or intended to do any thing improper or contrary to the laws of his country, or the will of your Worſhips, he ever has, and always will be deſirous of acting in conformity to the orders and directions of your Worſhips, and hopes your Worſhips will be pleaſed to grant him his licence for the year enſuing, &c."

"To the Worſhipful his Majeſty's Juſtices of the Peace, acting in and for the Borough of SOUTHWARK, and Eaſt Half Hundred of BRIXTON, in the county of SURREY, at their ſpecial Seſſions for licenſing Victuallers, aſſembled.

"WE the Churchwardens and Overſeers of the poor of the pariſh of St. GEORGE, SOUTHWARK, beg leave to repreſent to your Worſhips, that at the time we made a return to you of the public-houſes in your pariſh, the Dock and Duck in ST. GEORGE'S FIELDS did not eſcape our notice, as hinted to your Worſhips by ſome of the inhabitants of LAMBETH: but finding the muſic diſcontinued, and ſkittle-playing laid aſide, purſuant to the order of your Worſhips, we could not think of ſetting any mark of diſapprobation thereon."

THE above was ſigned by all the Churchwardens and overſeers of ST. GEORGE, SOUTHWARK.

" To the Worſhipful his Majeſty's Juſtices of the Peace, acting in and for the Borough of SOUTHWARK, and Eaſt Half-hundred of BRIXTON, in the county of SURREY, at their ſpecial Seſſions for licenſing Victuallers aſſembled.

" WE whoſe names are here under written, inhabitants of the pariſh of Saint Mary, Lambeth, living and reſiding near the Dog and Duck, Saint George's Fields, do humbly repreſent to your worſhips, that we have lived ſeveral years near the ſaid houſe, do not find the ſame (as carried on and conducted by Mr. Hedger,) any ways inconvenient or diſorderly, nor do we find any cauſe of complaint therefrom, therefore have no objection to his being licenſed for the year enſuing."

(Signed by fourteen of the neareſt inhabitants.)

AFTER my papers were read, I was informed my licence would not be renewed; I then requeſted to know the reaſon, and at the ſame time told their Worſhips if there was any thing reprehenſible in my conduct reſpecting my buſineſs, I would alter it, if they would point out wherein I was wrong; to this I was anſwered I might ſpare myſelf the trouble of ſaying any thing more on the ſubject, for *they were determined.*

Conſcious I had done nothing to deſerve ſuch a mark of diſapprobation, and thinking I had a right in common with the reſt of mankind to purſue my buſineſs, I determined to make application to the Right Hon. the Lord Mayor and City Magiſtrates, at their ſpecial ſeſſions, held on the 14th inſtant, for licenſing victuallers in the Borough of Southwark, which I did by a memorial ſimilar to that preſented to the Surrey Juſtices.

At the Lord Mayor's Court, the Surrey Magiſtrates returned a liſt of ſuch houſes as they had refuſed licenſing, aſſigning reaſons for the major part of them, why ſuch licences had been rejected, but no reaſon whatever was aſſigned why my licence was refuſed; the Court then adjourned to the Tueſday following, for the expreſs purpoſe of giving time for the Surrey Juſtices or any other perſons whatſoever, to produce reaſons for ſuch oppoſition; the court on the

adjourned

adjourned day, finding in the firſt place, that the unfounded complaint originated in a pariſh, in which I am not a reſident, and that the officers of my own pariſh, and neighbors of the moſt reſpectable characters, were univerſally in my favor, and that no other matter of complaint being then alledged, granted me a licence.

THE above being a true ſtate of facts, I ſubmit it to the impartial public, to judge wherein I have deſerved the ſcurrility lately publiſhed againſt me, with the intention to injure me in the opinion of the Magiſtrates and of the public.

I HAVE only now to add my moſt grateful acknowledgments, for the ſteady and honorable conduct of the Court towards me, and for the ſupport I have long experienced from a generous public, to whom I conſider myſelf indebted by every tye of gratitude and reſpect.

St. George's Fields,
Sept. 26, 1787. JAMES HEDGER.

FINIS.

MVSEVM
BRITAN
NICVM